

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, OCTOBER 10, 2001
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
NORMAN J. SNAY, CLERK

TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

Also in attendance Jeanette Rooney, Deputy Treasurer
Lawrence Dloski, Township Attorney
David Lakin, Spalding DeDecker & Associates
(Attendance record on file with Clerk.)

ABSENT: MARIE E. MALBURG, TREASURER

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk SNAY called roll. Treasurer MALBURG absent.

MOTION by MEERSCHAERT seconded by SNAY to remove Treasurer MALBURG from roll call votes.

MOTION carried.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA ITEMS.

Additions:

7a. SMDA and Macomb Township Bielat Litigation.

15a. Authorization for Attorney to draft amendments to Fence Ordinance Chapter 14 Code of Ordinances.

17a. Request for Temporary Cement Batch Plant; Winding Creek Subdivision; Florence Cement Company, Inc.

17b. Easement Encroachment Agreement; Eugene D. Adams and Janis C. Adams; 53241 Abraham Drive, Macomb, MI 48042; Lot #73; Macomb Hills Subdivision No.1.

21a. Recommendation to Township Board for additional new hires Fire Department.

Tabled:

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9. Rezoning Request; General Commercial (C-2) to Community Facilities (CF); Section 18; Ron Jona, Petitioner. Permanent Parcel No. 08-18-200-013.
19. Discussion on Snow Plow purchase from December 2000.

MOTION by DUNN seconded by MEERSCHAERT to approve agenda as amended.

MOTION carried.

4. APPROVAL OF BILLS.

MOTION by DUNN seconded by OLIVER to authorize payment of bills as submitted.

FOR THIS MOTION:	DUNN, OLIVER, MEERSCHAERT, BUCCI, SNAY, BRENNAN.
OPPOSED:	NONE
ABSENT:	MALBURG

MOTION carried.

5. APPROVAL OF MEETING MINUTES

MOTION by OLIVER seconded by DUNN to approve minutes of September 26, 2001 as presented.

MOTION carried.

6. Public Comments (Non Agenda items only – 3 minutes time limit)

Mr. Dennis Henry, President of Huntcliff Condominium Association, reviewed the history of the development of the community and stated numerous concerns with the development in regards to being built as approved. Mr. Henry asked the Board for direction on how to resolve the matter.

PUBLIC HEARING:

7. Request to Adopt Resolution No. 2 Special Assessment District; Stormwater Treatment Center, The Fairways of Macomb. (Tabled from the meeting of September 26th, 2001).

Public Hearing began at 7:10 p.m.

Supervisor BRENNAN reviewed the request.

Petitioner Present: Cecil St.Pierre

Public Portion: None

Larry Dloski, Township Attorney, stated that Resolutions 1 & 2 to create a Special Assessment District have been reviewed and will require separate SAD's (Special Assessment District) for each phase of the development. Mr. Dloski informed the Board that documents have been prepared and approved by legal and engineering review as required.

MOTION by BUCCI seconded by DUNN to close the Public Hearing at 7:13 p.m.

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MOTION carried.

MOTION by DUNN seconded by MEERSHCAERT based on the recommendation of the Township Attorney move to adopt Resolution No. 2 to create the Special Assessment District; Stormwater Treatment Center; The Fairways of Macomb Phase I.

MOTION carried.

RESOLUTION NO. 2 - FAIRWAYS OF MACOMB PHASE 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on October 10, 2001, at 7:00 o'clock P.M., Eastern Daylight Saving Time.

PRESENT MEMBERS John D. Brennan, Norman J. Snay, Dino F. Bucci Jr., Janet Dunn, Kenneth Meerschaert Jr., Charles Oliver.

ABSENT MEMBERS Marie Malburg

The following preamble and resolution were offered by Member DUNN and supported by Member MEERSCHAERT.

WHEREAS, the Macomb Township Board (the "Township") has passed a resolution dated September 12, 2001, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating a Stormwater Treatment Center(s) described in **Exhibit "B"** attached hereto (the "Center"); and

WHEREAS, pursuant to Sections 192a(2) and 192a(5) of Act 288, P.A. 1967, as amended, (the "Act"), proper notice having been given, a hearing was held on October 10, 2001, on creation and maintaining the Stormwater Treatment Centers, including but not limited to the operation and maintenance, the cutting of grass and the removal of weeds and other debris, by special assessment on the property benefitted thereby. At such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the Stormwater Treatment Centers by special assessment was approved; and

WHEREAS, the Special Assessment District consists of proposed Lots 1 through 77, inclusive, Fairways of Macomb Subdivision Phase 1 (the "Plat"), as approved by the Township, located on a portion of the land described in **Exhibit "A"** attached thereto; and

WHEREAS, Lots 1 through 77, inclusive, within the Plat are benefitted by the Stormwater Treatment Centers; and

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the Stormwater Treatment Centers, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That the Special Assessment District created by resolution on September 12, 2001, and approved at a public hearing on October 10, 2001, is confirmed. The boundaries of this Special Assessment District are more particularly described in Exhibit "A" attached to this Resolution and made a part hereof.

2. That the authority to defray the cost of operating and maintaining the Stormwater Treatment Centers by special assessment on the property benefitted thereby as adopted by the Township by resolution on September 12, 2001, and approved at a public hearing on October 10, 2001, is confirmed.

3. That in the event the Township has or intends to expend funds for the maintenance and operation of said Centers, the Township shall prepare a special assessment roll, determine that annual cost of the operation and maintenance of the Centers, establish an annual special assessment levy, and prepare a plan to spread the assessment levy on each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the Centers multiplied by a fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Special Assessment District, together with all lots contained within Fairways of Macomb Subdivision Phase 1 covered by this Special Assessment District.

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4. That after the determination of the annual cost of the operation and maintenance of the Centers, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: MEMBERS: DUNN, MEERSCHAERT, BUCCI, OLIVER, SNAY, BRENNAN.

NAYS: MEMBERS: NONE

RESOLUTION DECLARED ADOPTED.

NORMAN SNAY
MACOMB TOWNSHIP CLERK

7a. SMDA and Macomb Township Bielat Litigation.

Supervisor BRENNAN reviewed the history of the site and current matters at hand.

Larry Dloski, Township Attorney, stated that a final order has been prepared and approved by the Township Engineers and has been signed by SMDA and Petro. Mr. Dloski reviewed the order in detail and stated that it is a stipulated order regarding deep injection wells remediation for sites 9 and 9A and in summary, what the order would do is that if Petro and SMDA are granted approval to connect to the Township sanitary sewer system the order would preclude SMDA and Petro from constructing deep well injection remediation on sites 9 and 9A. Mr. Dloski also included that there are recommendations and conditions on the proposed connection to the sanitary sewer system that are contained in Mr. David Lakin's September 25th, 2001 letter. Mr. Dloski reviewed those conditions and fees. Mr. Dloski states his opinion that if the Board authorizes the SMDA and Petro to connect to the sanitary sewer system, the issue of installation and construction of deep wells as part of the remediation is put to bed and the order provides that the order is incorporated in the covenants and restrictions that the DEQ will require be recorded with the Register of Deeds and a Resolution from the Board of directors of SMDA indicating that they won't put deep wells on the site 9 and 9A.

Petitioner Present: Mr. Mark Mather, Secretary and Treasurer of Petro Environmental
SMDA Representative also in attendance.

Board discussion was held regarding the Detroit Sewer hookup and possible future options if necessary.

Public Portion: None

Larry Dloski, stated that in the stipulated order, Petro and SMDA have to abide by the Township affluent limits where the Township can discontinue use of the sanitary sewer, which was a specific recommendation by Spalding DeDecker & Assoc.

Mr. Mark Mather, Secretary and Treasurer of Petro Environmental approached the Board and signed the order.

MOTION by DUNN seconded by OLIVER to authorize Petro and the SMDA to connect to the

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Township Sanitary Sewer as stipulated in the Deep Well Remediation and authorize the Township to sign the stipulation order along with the conditions Township Legal Counsel has stated, contingent upon complying with all the conditions of the September 25, 2001 correspondence from Spalding & DeDecker being met and contingent upon the SMDA and Petro withdrawal there applications to the USEPA and the Michigan Department of Environmental Quality and pay the required fee's.

FOR THIS MOTION: DUNN, OLIVER, BUCCI, MEERSCHAERT, SNAY, BRENNAN.

OPPOSED: NONE

ABSENT: MALBURG

MOTION carried.

PLANNING COMMISSION:

8. Amendments to the Zoning Ordinance No.10 Text Re: Neighborhood Development Code Article XXV. (Tabled from the meeting of September 26th, 2001).

Supervisor BRENNAN reviewed the request and introduced Mr. Gibbs of Gibbs Planning Group to the Board and audience.

Mr. Gibbs addressed the Board and audience with changes that have been made to Zoning Ordinance No.10 in regards to the Neighborhood Development. Mr. Gibbs presented a visual layout of the community, reviewed the design and changes being proposed.

Supervisor BRENNAN stated that the major items where the reduction in densities, recalculations of densities under the various parcels to equal the same per acreage amount and height restrictions.

Board discussion was held regarding preserved wooded area's of the design.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to adopt the Amendments as presented by Mr. Gibbs to the Zoning Ordinance No. 10 Text Re: Neighborhood Development Code Article XXV.

MOTION carried.

9. Rezoning Request; General Commercial (C-2) to Community Facilities (CF); Located south of 24 Mile Road and approximately 400 feet west of Garfield Road; Section 18; Ron Jona, Petitioner. Permanent Parcel No. 08-18-200-013.

Tabled as requested by the Petitioner to the meeting of October 24, 2001.

10. Final Preliminary Plat; Twin Rivers Subdivision Phase I; (156 lots); Located on the east side of Romeo Plank Road and approximately 1000 feet north of Hall Road; Section 33; Twin River Development, Petitioner. Permanent Parcel No. 08-33-376-014 part of.

Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve

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the plat for a period of two (2) years contingent upon the fulfilling of the standard conditions and that a construction road be provided for Phase I.

Petitioner Present: Vincent DiLorenzo

Mr. DiLorenzo stated that a construction road would be very difficult to police.

Board discussion was held regarding the construction road.

Roger Benvenuti stated his concerns regarding flooding and bridge construction on the site.

Supervisor BRENNAN reviewed the numerous agencies who review plats for approval in regards to water drainage/run off.

David Lakin, Spalding DeDecker & Associates stated that a development such as this is regulated by FEMA and as their agent DEQ, and anytime you have a development like this that proposes any improvements there always a backwater analysis of the floodway submitted to the DEQ for review. Mr. Lakin also stated and any bridges that will be installed would have to pass a 100 year storm criteria.

Mike Churu, owner of Goldies Saloon, stated his concern with dirt being dumped into flood plain.

David Lakin, stated that no fill should be dumped into floodplain with out a permit.

MOTION by OLIVER seconded by MEERSCHAERT to approve the Final Preliminary Plat for Twin Rivers Subdivision Phase I for a period of two (2) years to expire October 10, 2003, contingent upon the fulfilling of the standard conditions and that a construction road be provided for Phase I.

MOTION carried.

11. Final Plat; Chelsea Park Subdivision; (74 lots); Located on the south side of 22 Mile Road and approximately 1450 feet west of Heydenreich Road. Section 28. LandTec Development LLC, Petitioner. Permanent Parcel No. 08-28-200-003 and 08-28-200-010.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision, surrounding property and stated the recommendation of the Planning Commission to approve the plat contingent upon the fulfilling of the standard conditions.

Petitioner Present: Dominic Geric

David Lakin, Spalding DeDecker & Associates, confirmed with Mr. Geric that the paving was completed.

Public Portion: None

MOTION DUNN seconded by OLIVER to grant Final Plat to Chelsea Park Subdivision and direct the Clerk to sign the mylar.

MOTION carried.

NEW BUSINESS:

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12. Request to attend 2001 Planning Conference. (Tabled from the meeting of September 26th, 2001).

Supervisor BRENNAN reviewed the request and informed Mr. Gallagher that he had the opportunity to complete things they had discussed.

Discussion was held regarding the number of members attending.

Supervisor BRENNAN stated his recommendation to deny the request at this time.

No Action was taken.

13. Request to Schedule a Public Hearing Date for Special Assessment District for Street Lighting; Cornerstone Village Subdivision.

Supervisor BRENNAN reviewed the request.

Clerk SNAY stated his recommendation of Wednesday, November 14th, 2001 at 7:00 p.m.

MOTION by OLIVER seconded by MEERSCHAERT to Schedule a Public Hearing for a Special Assessment District for Street Lighting for Cornerstone Village Subdivision for Wednesday, November 14th, 2001 at 7:00 p.m.

MOTION carried

14. Request extension of Temporary Construction/Sales Trailer; Madison Manor Condominiums.

Supervisor BRENNAN reviewed request.

Petitioner Present: Peter G. Snyder of Urban Land Development

Public Portion: None

MOTION by OLIVER seconded by DUNN to approve the Extension of the Temporary Construction/Sales Trailer for Madison Manor Condominium for a period of 90 days to begin October 10th, 2001 and expire January 8th, 2002.

MOTION carried.

15. Request Adoption of Resolution; Liquor Control Commission.

Supervisor BRENNAN reviewed the request and stated that there is no legal requirement for this Commission. Mr. Brennan read a Resolution prepared by legal counsel and stated his recommendation to adopt.

Mr. Charles Van Riper, Township Resident, stated he had no objections to the resolution and confirmed with Clerk Snay that he had received the notification from the Liquor Commission with regards to the new licenses under the census.

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MOTION by DUNN seconded by MEERSCHAERT to adopt the Resolution to Dissolve the Macomb Township Liquor Commission.

**Resolution Dissolving
Macomb Township Liquor Control Commission**

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, Michigan held in the Township Hall in said Township on Wednesday the 10th day of October 2001 at 7:00 PM, the following resolution was presented and adopted.

Whereas, Macomb Township contracts Law Enforcement services with the Macomb County Sheriff's Office and said services include Liquor Control and Enforcement; and

Whereas, the Board of Trustees desires to have all Liquor License Applications reviewed by the Township Board.

Therefore the Macomb Township Board of Trustees hereby resolves to dissolve the Macomb Township Liquor Control Commission effective as of Midnight October 10th 2001.

AYES: John Brennan Supervisor, Norman Snay Clerk,
Trustees: Dino Bucci Jr., Kenneth Meerschaert Jr., Charles Oliver, Janet Dunn.

Nays: None

Absent: Marie Malburg Treasurer

Resolution Declared Adopted:

**Norman J. Snay, Clerk
Township of Macomb**

MOTION carried.

15a. Authorization for Attorney to draft Amendments to Fence Ordinance Chapter 14 Code of Ordinances.

Supervisor BRENNAN reviewed the request and stated that several of our ordinances are in conflict and the purpose to amend the ordinance would be to bring them into a compatible situation.

Public Portion: None

MOTION by MEERSCHAERT seconded by BUCCI to authorize the Township Attorney to draft Amendments to the Fence Ordinance Chapter 14 Code of Ordinances.

MOTION carried.

WATER/SEWER DEPARTMENT:

16. Request approval of Change Order No.2, Macomb Township Civic Center Utilities and Roads, Diponio Contracting, MA 98-37.

David Koss, Water/Sewer Superintendent, reviewed the request and stated the change order is the result of additional work required because roadway sub-grade could not be brought up to contract specifications with materials found on site.

Public Portion: None

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MOTION by DUNN seconded by OLIVER to approve Change Order No.2, Macomb Township Civic Center Utilities and Roads, MA 98-37; Diponio Contracting, in the amount of forty nine thousand four hundred twenty seven dollars and 75/100 (\$49,427.75).

MOTION carried.

17. Approval of Pay Certificate No.5, Macomb Township Civic Center Utilities and Roads, Diponio Contracting, MA 98-37.

Supervisor BRENNAN reviewed the request and stated that the Water/Sewer Department and the Township Engineers of Spalding DeDecker & Assoc. had reviewed the pay certificate and were recommending approval for this payment.

Public Portion: None

MOTION by DUNN seconded by OLIVER to authorize the payment of Pay Certificate No.5; Macomb Township Civic Center Utilities and Roads, Diponio Contracting in the amount of forty nine thousand four hundred twenty seven dollars and 75/100 (\$49,427.75).

MOTION carried.

- 17a. Request for Temporary Cement Batch Plant; Winding Creek Subdivision; Florence Cement Company, Inc.

David Koss, Water/Sewer Superintendent, reviewed the request and stated his recommendation to approve the temporary batch plant for 30 days.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to grant approval of a Temporary Cement Batch Plant; Florence Cement Company, Inc. to be located at the Winding Creek Subdivision for a period of 30 days to begin October 22, 2001 and expire November 21, 2001, contingent upon the posting of the required bond and meter deposit.

MOTION carried.

- 17b. Easement Encroachment Agreement; Eugene D. Adams and Janis C. Adams; 53241 Abraham Drive, Macomb, MI 48042; Lot #73; Macomb Hills Subdivision No.1.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a utility shed and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to grant an Easement Encroachment Agreement for a utility shed for Lot #73. 53241 Abraham Drive within the Macomb Hills Subdivision No.1

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MOTION carried.

18. Request to purchase Blueprint Hangers and Clamps.

David Koss, Water/Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by BUCCI to approve the purchase of Blueprint Hangers and Clamps from Northwest Blueprint & Supply for the total cost of one thousand five hundred sixty four dollars and 80/100 (\$1,564.80).

MOTION carried.

19. Discussion on Snow Plow purchase from December 2000.

Tabled as request by David Koss, Water/Sewer Superintendent.

20. Approval of Purchase Requisition:

- a. R. Vanderlind and Sons
- b. Chucks Transmission
- c. SLC Meter Service

David Koss/Water Sewer Superintendent, reviewed the purchase requisitions and stated his recommendation to approve.

Public Portion: **None**

MOTION by DUNN seconded by MEERSCHAERT to authorize the payment of the purchase requisition to R. Vanderlind and Sons for the total amount of two thousand one hundred sixteen dollars and 95/100 (\$2,116.95).

MOTION carried.

MOTION by DUNN seconded by MEERSCHAERT to authorize the payment of the purchase requisition to Chucks Transmission for the total amount of one thousand six hundred twenty three dollars and 00/100 (\$1,623.00).

MOTION carried.

MOTION by DUNN seconded by MEERSCHAERT to authorize the payment of the purchase requisition to SLC Meter Service for the total amount of six thousand two hundred twelve dollars and 00/10 (\$6,212.00).

MOTION carried.

BOARD COMMENTS:

21. Supervisor's Comments

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- a. Recommendation to Township Board for additional new hires Fire Department.

Supervisor BRENNAN stated that interviews had been conducted for paid on call Fire Fighters and presented a list of candidates for hire.

MOTION by DUNN seconded by MEERSCHAERT to accept the recommendation and approve the hiring of the following paid on call Fire Fighters, contingent upon the fulfilling of required criteria.

Sarah Hidadd, Christopher Gangnier, Jeffrey Craig, Layth Haddad, Richard Jacobs, Andrew Wiegand, Ben Walny, David Herczeg, Jason Oltersdorf, Joseph Lefever, Kevin Watt and Jason Long.

MOTION carried.

22. Clerk's Comments

None

23. Treasurer's Comments

Clerk SNAY reviewed the request on behalf of Treasurer MALBURG and suggests that the Board pass a compensation to the Treasury for School Taxes at three dollars per parcel as normally done.

MOTION by MEERSCHAERT seconded by DUNN to approve the collection of School Taxes at three dollars (\$3.00) per parcel.

MOTION carried.

24. Trustee's Comments

Trustee DUNN stated her concern with the fast speed of traffic traveling through the Township.

Trustee BUCCI asked the Board for the support in suggestions to facilitate a fund raiser on behalf of a fatal accident that took the lives of Sandra Dewitt and her two daughters that occurred at Heydenreich and 21 Mile Road.

Raymond Ahonen, Fire Chief, stated that it has been a difficult time in the Township and as professionals to see what they see on the roads. As of Friday, in a two week period the Department has seen six fatalities all related to traffic.

Supervisor BRENNAN stated that this would not be a Township fund raiser, but friends of the victims were looking for a facility to hold a fund raiser and asked for recommendations.

Supervisor BRENNAN stated that the MTA reservations need to be made for the upcoming January Conference and asked the Board who would be available to attend.

MOTION by OLIVER seconded by DUNN to authorize Nancy Eckman, Finance Manager to enroll attendees for the January MTA Conference.

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MOTION carried.

MOTION by MEERSCHAERT seconded by OLIVER to adjourn into Executive Session at 8:14 p.m.

MOTION carried.

Returned from Executive Session at 8:31 p.m.

EXECUTIVE SESSION:

25. Grand Sakwa v Macomb Township (Tabled from the meeting of August 22, 2001).

Informational Only

ADJOURNMENT

MOTION by MEERSCHAERT seconded by OLIVER to adjourn the meeting at 8:32 P.M.

MOTION carried.

John D. Brennan, Supervisor

Norm J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM